Bryan King Sheldon (SBN 116219)
George T. Busu (SBN 235993)
LimNexus LLP
1055 West Seventh Street, 28th Floor
Los Angeles, California 90017
Phone: (213) 955-9500
Fax: (213) 955-9511
Email: Bryan.Sheldon@limnexus.com
George.Busu@limnexus.com

Attorneys for Plaintiff OUTLOOK RESOURCES, INC.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

OUTLOOK RESOURCES, INC., Plaintiff, vs. CAROL BENSON-COBB and DOES 1-10, Inclusive, Defendants.	Case No.: **COMPLAINT FOR DECLARATION OF NON-INFRINGEMENT OF COPYRIGHT**

For a claim for relief, Plaintiff OUTLOOK RESOURCES, INC. alleges as follows:

1. This claim arises under the Copyright Act of 1976. This Court has jurisdiction over this claim under 28 U.S.C. section 1338(a) and the Declaratory Judgment Act, 28 U.S.C. section 2201(a). Venue is proper in this District because defendant Benson-Cobb has threatened, in this district, to bring suit against Plaintiff to enforce rights she claims under U.S. copyright registration number VA 1-933-022 (the "Subject Copyright").

2. Plaintiff OUTLOOK RESOURCES, INC. is a corporation organized and existing under the laws of the state of California with a principal place of business within the Central District of California. Plaintiff frequently conducts business under the fictitious business name Leftbank Art.

3. Defendant CAROL BENSON-COBB is an individual who, upon information and belief, resides in or around Dallas, Texas. On further information and belief, defendant BENSON-COBB is engaged in commerce nationally and internationally, including within the Central District of California, through her website www.bensoncobb.com, through which she offers products for sale. Benson-Cobb claims to own the Subject Copyright, that it is valid, and that it covers an artwork she authored called "After the Storm." Benson-Cobb also claims that reproductions of the After the Storm artwork (the "CBC Work") are sold by a national chain of retail home goods stores which has several stores located within the Central District of California and which also sells the CBC Work via its internet site.

4. Plaintiff is currently unaware of the true names of the defendants sued fictitiously herein as DOES 1 – 10. On information and belief, the Doe defendants own or claim to own, rights in either the Subject Copyright or the CBC Work.

5. Plaintiff is engaged in the business of producing and selling reproductions of artworks intended for ultimate display in private homes, institutions and businesses. Plaintiff has a staff of artists who create some of the artworks it sells and Plaintiff also licenses original works from independent artists and publishers for reproduction and sale. Plaintiff typically does not sell its products directly to consumers, but rather sells its products to retailers, architects and interior designers and others who then re-sell the products to consumers.

/ / /

/ / /

/ / /

/ / /

Commencing in the late 2015, Plaintiff began selling reproductions of an abstract atmospheric artwork in several color themes or "colorways" which it calls "Tranquil Fog" in the grey colorway and "Calm Azure" in the blue colorway (collectively, the Challenged Work"). Both colorways are depicted here:

52BU0179

Tranquil Fog
47 x 47

52BU0100

Calm Azure
47 x 47

6. Plaintiff obtained a license from the author of Calm Azure to reproduce and sell the Challenged Work and derivatives thereof. Because grey tones are currently trending in interior design, Plaintiff created Tranquil Fog by changing the colorway from the original blue of Calm Azure to grey tones during the reproduction process. Plaintiff intends to sell the Challenged Work in different colorways as interior design trends change in the future.

7. In March, 2017, Defendant Benson-Cobb demanded by email that Plaintiff stop selling the grey version of the Challenged Work, claiming it is very similar to the CBC Work which she claimed was "copyrighted in 2012" and was being sold by a national chain of home goods stores. Plaintiff responded that the Challenged Work does not infringe Defendants' rights and that it would not stop selling the Challenged Work. On April 18, 2017 Defendant Benson-Cobb, via email from her attorney, asserted that the CBC Work is protected by the Subject Copyright, again demanded that Plaintiff stop selling the grey version of the Challenged Work, and

threatened to sue Plaintiff and its customers if sales of the Challenged Work were not stopped, as follows:

> Accordingly, Ms. Benson-Cobb demands that, within fourteen (14) days from your receipt of this letter, Leftbank Art and all other parties acting in concert with it cease and desist from distributing, promoting, advertising, selling and exploiting the infringing work. Please be advised that if Leftbank Art fails to comply with the foregoing demand within the specified time, Ms. Benson-Cobb will immediately, and without further notice, pursue all legal and equitable rights and remedies with respect to this matter, including, without limitation, seeking statutory damages.

8. An actual controversy and dispute now exists between Plaintiff and Defendants in that Defendants claim that the Subject Copyright is infringed by the Challenged Work, and Plaintiff denies that the Challenged Work infringes any rights in the CBC Work or the Subject Copyright. Plaintiff intends to continue sale and distribution of the Challenged Work and, on information and belief, Plaintiffs' customers have numerous copies of such works in their inventories and currently offered for sale in their stores and online. Both the CBC Work and the Challenged Work are currently offered for sale within the Central District of California and elsewhere.

9. The threat by Defendants to file suit against Plaintiff and its customers creates a cloud over the commercial activities of Plaintiff and Plaintiff's customers, entitling Plaintiff to seek a declaratory judgment under 28 U.S.C. section 2201(a) confirming that Plaintiff's products do not infringe the Subject Copyright.

WHEREFORE, Plaintiff prays for relief as follows:

1. For a declaration that the Challenged Work does not infringe the Subject Copyright, and

2. For a declaration that works derived from the Challenged Work by changing the colorways, and nothing else, do not infringe the Subject Copyright, and

3. For costs of suit, and

4. For such other relief as is just.

Dated: May 5, 2017

Bryan King Sheldon
George T. Busu

LIMNEXUS, LLP

By: */s/ Bryan King Sheldon*
Bryan King Sheldon
Attorneys for Plaintiff OUTLOOK RESOURCES, INC.